

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:00-CV-127-H(4)

FILED

SEP 25 2000

DAVID W. DANIEL, CLERK
US DISTRICT COURT, EDNC
BY DEP. CLERK

DOMESTIC FABRICS CORPORATION,)

Plaintiff,)

v.)

SEARS ROEBUCK & CO.)

Defendant.)

ANSWER

NOW COMES Defendant, through counsel, and responds to the allegations of the Complaint
as follows:

1. Denied, except it is admitted that Plaintiff purports to be asserting a patent infringement action and that jurisdiction and venue are proper in this Court.
2. Denied for lack of information.
3. Admitted.
4. It is admitted that Domestic Fabrics is listed on the '553 patent as the assignee.

Except as admitted herein, denied.

5. Denied.
6. Denied.
7. Denied.

It is expressly denied that Plaintiff is entitled to any relief whatsoever.

FIRST DEFENSE

Defendant's manufacture, use, sale or offer for sale of its products do not infringe any claim of U.S. Patent No. 5,636,533.

WHEREFORE, Defendant prays unto the Court that:

1. Plaintiff have and recover nothing of it;
2. This action be dismissed with prejudice;
3. It declare that U.S. Patent No. 5,636,533 has never been, and is not now, infringed by Sears or by any other person using Sears' products in this judicial district or anywhere in the United States;
4. The costs of this action, including Defendant's reasonable attorney's fees, be taxed against Plaintiff;
5. There be trial by jury on all issue so triable; and
6. For such further relief as the Court deems just and proper.

This the 25th day of September, 2000.

Lee F. Grossman (by MO)

Patrick D. Ertel

Lee F. Grossman

Jennifer P. Goetsch

Marshall, O'Toole, Gerstein, Murray & Borun

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Counsel for Defendant

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Local Rule 2.04 Counsel for Defendant

CERTIFICATE OF SERVICE

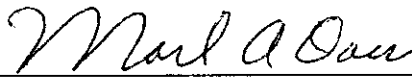
This is to certify that the undersigned has this date served the foregoing **ANSWER** in the above-captioned action upon all other parties to this cause by depositing a copy hereof in a postpaid wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service, addressed as follows:

ADDRESSEES:

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Kinston, NC 28502

This the 25th day of September, 2000.



Mark A. Davis